

September 27, 2016

Summary of September 15-16, 2016, Board Meeting

This is a summary of the September 15-16, 2016, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 139 cases.

New Investigative Cases: The Board reviewed 49 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 1 Statement of Charges.

1. An Iowa-licensed physician who formerly practiced emergency medicine in Des Moines, Iowa, and Elkhorn, Nebraska, had formal disciplinary charges filed against him by the Board on September 16, 2016. The Board alleged that the physician violated the laws and rules governing the practice of medicine in Iowa when he failed to respond to or comply with a Board investigation despite numerous attempts to contact him. A hearing is scheduled on November 18, 2016.

Combined Statement of Charges and Settlement Agreements: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 2 combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices physical and rehabilitation medicine in Omaha, Nebraska, entered into a combined Statement of Charges and Settlement Agreement with the Board on September 16, 2016. On August 26, 2015, the physician was disciplined by the Nebraska Department of Health and Human Services (Nebraska Board) for failing to provide appropriate nerve testing to a patient in December 2013. The Nebraska Board ordered the physician to complete a Board-approved documentation course and required him to complete a Board-approved course on EMG/NCV interpretation and standards prior to performing nerve testing in the future. The Iowa Board charged the physician with being disciplined by the Nebraska Board and issued the physician a Citation and Warning and ordered him to fully comply with the Nebraska order.

2. An Iowa-licensed physician who practices family medicine in Clinton, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on September 16, 2016. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Clinton, Iowa. Under the terms of the September 16, 2016, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also ordered the physician to complete a Board-approved course on appropriate prescribing of controlled substances for the treatment of chronic pain and a medical record keeping course. The physician is also required to submit to Board-approved prescribing audits for a period of two years.

Termination Order: The Board issues Termination Orders when a physician successfully completes the requirements of a disciplinary order including the term of probation.

The Board approved 3 Termination Orders.

1. An Iowa-licensed physician who practices family medicine in Bloomfield, Iowa, had the terms and conditions placed on her Iowa medical license terminated by the Board on September 16, 2016. On April 9, 2010, the Board filed an Emergency Adjudicative Order and Statement of Charges against the physician suspending her ability to practice emergency medicine under her Iowa medical license. The Board alleged that she failed to conform to the minimal standard of care and willfully or repeatedly violated the laws and rules governing the practice of medicine in Iowa. On October 22, 2010, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the October 22, 2010, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to complete a comprehensive competency evaluation and fully comply with all recommendations made following the evaluation, including a program of remediation. The Board also placed the physician on probation for a period of five years subject to Board monitoring. On September 16, 2016, the Board concluded that the physician has complied with the terms of the October 22, 2010, Settlement Agreement and the Board voted to terminate the terms of the Settlement Agreement.
2. An Iowa-licensed physician who formerly practiced otolaryngology in multiple locations, including Sioux City and Waterloo, Iowa, had the terms and conditions placed on his Iowa medical license terminated by the Board on September 16, 2016. On November 18, 2011, the Board filed formal disciplinary charges against the physician alleging that he prescribed controlled substances to two female acquaintances in 2010 and 2011 outside of an appropriate physician-patient relationship and that he failed to respond to the Board's investigation in a timely manner. On March 29, 2012, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the March 29, 2012, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$7,500 civil penalty and successfully complete a Board-approved professional boundaries program, record keeping course and professional ethics program. The Board also prohibited the physician from prescribing, administering or dispensing any controlled substance under his Iowa medical license. The Board also placed the physician on probation for a period of five years subject to Board monitoring. On September 16, 2016, the Board concluded that the physician has complied with the terms of the March 29, 2012, Settlement Agreement and voted to terminate the terms of the Settlement Agreement and his Iowa medical license was returned to its full privileges, free and clear of all restrictions.

3. An Iowa-licensed physician who practices neurology in Cedar Rapids, Iowa, had the terms and conditions placed on his Iowa medical license terminated by the Board on September 16, 2016. On August 6, 2009, the Board charged the physician with violating the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa. On April 9, 2010, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the April 9, 2010, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$10,000 civil penalty. The Board also prohibited him from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients, unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. The Board also ordered the physician to complete a comprehensive competency evaluation and fully comply with all recommendations made following the evaluation, including a program of remediation. The Board also ordered the physician to fully comply with a Board-approved practice monitoring plan. The Board also placed the physician on probation for a period of five years subject to Board monitoring. On May 28, 2013, the Board issued an Amended Order permitting the physician to prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. On April 9, 2015, the physician completed the term of his probation and the Board terminated the terms of probation. Recently, the physician submitted a Motion to Remove Restrictions requesting termination of the prohibition from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients. The physician demonstrated that he has successfully completed nationally recognized continuing medical education for appropriate prescribing of controlled substance for the treatment of chronic pain. On September 16, 2016, the Board concluded that the physician has complied with the terms of the April 9, 2010, Settlement Agreement, and the Board voted to terminate the prohibition from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients and his Iowa medical license was returned to its full privileges, free and clear of all restrictions. The Board also voted to initiate continuing investigative audits of the physician's controlled substance prescribing practices to ensure that he practices in a safe manner in the future.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 13 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about a physician's surgical treatment and postoperative care for a patient who experienced significant complications following a colonoscopy.
2. Concerns that a physician's medical office is messy, the physician failed to maintain records in an organized manner and the physician maintained expired samples.
3. Concerns about a physician's evaluation, treatment and follow-up care of a patient who was subsequently diagnosed with the H1N1 influenza virus.
4. Concerns that a surgeon ordered a preoperative clearance evaluation and failed to review and/or address abnormal test results and ensure that the patient received appropriate follow-up care resulting in the delayed diagnosis and treatment of lung cancer.

5. Concerns that a patient's primary care physician failed to provide appropriate follow-up for abnormal test results from a preoperative clearance evaluation resulting in the delayed diagnosis and treatment of lung cancer.
6. Concerns about a physician's evaluation, diagnosis, treatment and monitoring of a patient with a breast mass resulting in the delayed diagnosis and treatment of breast cancer.
7. Concerns about a physician's treatment of multiple patients in the emergency department setting.
8. Concerns that a physician did not receive abnormal test results due to a recordkeeping error and failed to follow-up on the test results.
9. Concerns about a physician's evaluation, diagnosis and treatment of a patient who experienced a testicular torsion resulting in the loss of the testicle.
10. Concerns that a physician failed to maintain appropriate and timely medical records and failed to respond to the Board's investigation in a timely manner.
11. Concerns that a retired physician failed to provide appropriate chronic pain management to multiple patients.
12. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for substance abuse.
13. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for misinterpretation of an ultrasound in 2009 resulting in the delayed diagnosis and treatment of kidney cancer.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a disciplinary order and require monitoring.

The Monitoring Committee reviewed 10 physicians who are being monitored by the Board and held 1 physician appearance.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 28 cases.

Licensure Committee: The Licensure Committee reviews applications for licensure, renewal and reinstatement and licensure policies and issues. Most applications are approved by Board staff, but potentially problematic applications are reviewed by the committee, which determines whether a license should be issued, renewed or reinstated.

Action:

- Reviewed 12 medical licensure applications. Four permanent licenses were issued and one permanent license was reinstated. The committee also issued one resident license and one temporary license. Five applications were left open to obtain more information or allow the applicant to withdraw.
- Recommended approval of a waiver of Iowa Administrative Code 653-9.7(1) "e" (1), which requires applicants to pass the U.S. Medical Licensure Examination's 3-step sequence within a 10-year time limit or to be certified by the American Board of Medical Specialties. The Board accepted the committee's recommendation to waive the requirement because the applicant passed all steps of the exam on the first attempt and has been practicing successfully on a special license at the University of Iowa.

- Recommended approval of a waiver of Iowa Administrative Code 653-9.15(2)“d” which requires applicants for reinstatement who have not engaged in active practice in the past three years in any jurisdiction of the United States or Canada to successfully pass a competency evaluation; pass an exam approved by the Board; complete a retraining program; or complete a reentry to practice or monitoring program. The Board accepted the committee’s recommendation to waive the requirements because the applicant held an Iowa license until December 2013, participated in continuing education requirements, received positive letters of recommendation, and has had continued clinical practice in Germany.
- Approved letters of warnings to 14 applicants who failed to provide truthful, accurate or complete information on the applications.

In other action the Board:

- Received a report of from the Iowa Physician Health Committee concerning a physician in the Iowa Physician Health Program who was not in compliance with his contract to participate in the program. The Board accepted the committee’s recommendation that the physician be allowed to remain in the program. On August 31, there were 54 individuals under contract in the program and another 10 potential participants in the review process.
- Received reports from the Iowa Attorney General’s Office on four disciplinary cases under judicial review.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board’s Website on September 26, 2016. If you have questions about this summary or the press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.